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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/821,523 | 03/29/2001 | Simon Wilson | 915-386 | 9907 |

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EXAMINER

DINH, TUAN T

ART UNIT PAPER NUMBER

2827

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,523

Applicant(s)

WILSON, SIMON

Examiner

Tuan T Dinh

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-13, 16-19 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-13, 16-19, 30-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Spitaletta et al. (U. S. Patent 6,112,077).

Spitaletta et al. disclose a portable electronic apparatus comprising:

- a molded plastic one-piece cover (20, column 4, lines 10-15) having an aperture (figure 1a) therein; and
- a display (40) viewable through the aperture.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-7, 10-12, 16-19, 30-31, 33-38 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altschul (U. S. Patent 5,845,218) in view of Spitaletta et al.

Regarding claims 1-2, 18-19, 35-36 and 42-43 Altschul discloses a mobile phone comprising:

a cover (14, 16); and

an assembly (40) including *substantially* all of the mobile phone's circuitry embedded within the cover.

Altschul disclose the instant claimed invention except for: the cover being a one-piece molding.

Spitaletta et al. discloses a mobile phone [10] having a molded plastic (polymer) one-piece cover [20, column 4, lines 10-15].

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the one piece molded cover design of Spitaletta et al. for the cover of Altschul, for the purpose of reducing manufacturing costs and less time for assembly.

Regarding claims 4, 10 and 12, 30, 31 Alschul, as modified, disclose the instant claimed invention except for: the cover having an aperture revealing a display.

Spitaletta et al. discloses the cover having an aperture (figure 1a) revealing a display (40).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the cover/display design of Spitaletta et al. with the cover of Alschul, as modified, for the purpose of providing visual information to the user.

Regarding claims 5-6, 16, 33-34, 37-38 and 40 Alschul, as modified, discloses the use of a user-operated keyboard (30) within the cover.

Regarding claims 7, 17, 34 and 41, Alschul, as modified, disclose electronic components used with the mobile phone being secured to the circuit board.

It would have been obvious to a person having ordinary skill in the art at the time invention was made that the particular components attached to the circuit board would have been an obvious design consideration dependent upon the intended application and desired features of the mobile phone.

Claims 3, 13, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altschul in view of Spitaletta et al., as modified, as applied to claim 1 above, and further in view of Jensfelt (U. S. Patent 6,330,430).

Alschul, as modified, disclose the instant claimed invention except for: the polymer being a self-sealing foam polymer material.

Jensfelt discloses a mobile terminal (10) having a neoprene cover (14).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use neoprene for the cover of Alschul, as modified, for the purpose of enhancing flexibility.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7, 10-13, 16-19, and 30-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Phillips, Filipovic et al., and Friis disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
December 29, 2002



DAVID L. TALBOTT
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